

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

AUGUSTA:
SMITH & ROBINSON,.....PRINTERS.

1836.

SIXTEENTH LEGISLATURE.

No. 75.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND THIRTY-SIX.

AN ACT to abolish Imprisonment for Debt.

SECT. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature as-
3 sembled,* That no person shall be arrested or
4 imprisoned on any civil process issuing out of
5 any Court of law or any execution issuing out of
6 any Court of law or equity, in any suit or pro-
7 ceeding instituted for the recovery of any money
8 due upon any judgment or decree, founded upon
9 contract, or due upon any contract, express or

10 implied, or for the recovery of any damages or
11 the non-performance of any contract.

SECT. 2. *Be it further enacted,* That the
2 preceding section shall not extend to any person
3 who is not a citizen of the United States, and
4 who shall not have been a resident of this State
5 for at least one year previous to the commence-
6 ment of a suit against him; nor to proceedings
7 as for contempts to enforce civil remedies; nor to
8 actions for fines or penalties, or on promise to
9 marry, or for moneys collected by any public
10 officer, or for any misconduct or neglect in office
11 or in any professional employment.

SECT. 3. *Be it further enacted,* That in
2 all cases where, by the preceding provisions of
3 this Act, a defendant cannot be arrested or im-
4 prisoned, it shall be lawful for the plaintiff who
5 shall have obtained a judgment or decree against
6 him, in any Court of record, to apply to any
7 Justice of the Peace and Quorum of the County
8 in which said suit is brought, who shall make
9 out a notification under his hand and seal to the
10 defendant, requiring him to appear before him,
11 the said Justice, at such time and place as he

12 shall designate, to disclose the actual state of his
13 affairs, and if he shall thereupon make a full dis-
14 closure of the actual state of his affairs, and of
15 all his estate, property, rights and credits, in
16 possession, expectation or reversion, and surren-
17 der all the property he may possess, except such
18 only as is excepted by law from attachment and
19 execution, whether personal or real estate, and
20 shall in writing offer the same to the creditor,
21 so that it may be taken in execution, and answer
22 all proper interrogatories in regard to the same,
23 and shall sign and make oath to the same before
24 said Justice, who shall administer to him such
25 oath, and make and keep a record of the whole
26 proceedings which may at all times be used as
27 evidence, if required, which notice may be serv-
28 ed by any Sheriff, Deputy or Constable on any
29 debtor, by an attested copy delivered him in
30 hand, or left at the last and usual place of abode
31 of such debtor, fifteen days at least before the
32 time appointed for making such disclosure.

SECT. 4. *Be it further enacted*, That if said
2 defendant shall refuse to appear, or shall appear
3 and refuse to disclose, or shall make a false dis-

4 closure of his affairs as aforesaid, or any defend-
5 ant who shall remove any of his property out of
6 the County, with intent to prevent the same
7 from being levied upon by any execution, or who
8 shall secrete, assign, convey or otherwise dis-
9 pose of any of his property, with intent to de-
10 fraud any creditor, or to prevent such property
11 being made liable for the payment of his debts,
12 and any person who shall receive such property
13 with such intent, shall on conviction, be deemed
14 guilty of crime, and indictable at common law,
15 and the property so removed, secreted, conceal-
16 ed, assigned, conveyed, received or otherwise
17 disposed of, shall be subject to said creditor
18 wherever it may be found, by due process of
19 law.

SECT. 5. *Be it further enacted,* That if
2 any debtor, authorized or required to disclose
3 on oath or affirmation, according to the provis-
4 ions of this Act, shall falsely disclose or with-
5 hold, or suppress the truth, he shall on convic-
6 tion thereof, be adjudged guilty of the crime of
7 wilful and corrupt perjury, and subjected to the
8 pains and penalties thereof, and any debtor who
9 shall in any way violate any of the provisions of

10 this Act, shall be liable on conviction thereof, to
11 imprisonment in the County Jail or State
12 Prison, for a term not less than thirty days, nor
13 more than four years, according to the aggrava-
14 tion of the crime, at the discretion of the Court
15 before which such conviction may be had.

SECT. 6. *Be it further enacted,* That this
2 Act shall take effect from and after the fourth
3 day of July next, and all Acts and parts of Acts
4 inconsistent with the provisions of this Act, be
5 and the same are hereby repealed from and
6 after the time aforesaid.

STATE OF MAINE.

In SENATE, March 30, 1836.

This Bill was taken up and amended by adding Sections 3, 4, and 5; and ordered, that 300 copies of the Bill, as amended, be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

WILLIAM TRAFTON, *Secretary.*